THE BOMBAY PERSONAL INAMS ABOLITION ACT, 1952.

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SCHEDULE II.

BOMBAY ACT No. XLII OF 1953.[1]

[THE BOMBAY PERSONAL INAMS ABOLITION ACT, 1952.]

[*20th June 1953*]

Amended by Bom. 9 of 1954.

An Act to abolish personal inams in the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish personal inams in the State of Bombay ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Personal Inams Abolition Act, 1952.

(*2*) It extends to the whole of the State of Bombay excluding the merged territories.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "appointed date" means the date on which this Act comes into force ;

Bom. V of 1879.

(*b*) "Code" means the Bombay Land Revenue Code, 1879 ;

[2][(*ba*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;]

(*c*) "inamdar" means a holder of a personal inam and includes any person lawfully holding under or through him ;

(*d*) "inam village" or "inam land" means a village or a portion of a village or land, as the case may be, held by a person under a personal inam ;

(*e*) "personal inam" means,—

(i) a grant of a village, portion of a village, land or total or partial exemption from the payment of land revenue entered as personal inam in the alienation register kept under section 53 of the Code.

(ii) a grant of money or land revenue including anything payable as a cash allowance on the part of the State Government in respect of any right, privilege, perquisite or office and entered as class I, II, III, IV or V in the records kept under the rules made under the Pensions Act, 1871.

XXIII of 1871.

Explanation.—If any question arises whether any grant is a personal inam such question shall be referred to the State Government and the decision of the State Government shall be final ;

(*f*) "prescribed" means prescribed by rules made under this Act ;

(*g*) "Schedule" means a Schedule appended to this Act.

(*2*) The other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

Act not to apply to certain inams and grants.

3. Nothing in this Act shall apply to—

(*1*) saranjams, jahagirs and other political inams ;

(*2*) devastan inams or inams held by religious or charitable institutions ;

(*3*) inams held for service useful to Government ;

(*4*) inams held for service useful to the community ; and

(*5*) revenue free sites granted by Government for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profit is intended to be derived.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 40.

[2] This clause was inserted by Bom. 9 of 1954, s. 2

Abolition of personal inams and rights in respect of such inams.

4. Notwithstanding anything contained in any usage, settlement, grant, sanad or order or a decree or order of a Court or any law for the time being in force, with effect from and on the appointed date :

(*i*) all personal inams shall be deemed to have been extinguished,

(*ii*) save as expressly provided by or under the provisions of this Act, all rights legally subsisting on the said date in respect of such personal inams shall be deemed to have been extinguished :

Provided that in the case of a personal inam consisting of exemption from the payment of land revenue only, either wholly or in part, such exemption shall be deemed to have been extinguished—

(*a*) if the amount of such exemption is or exceeds Rs. 5,000, with effect from the 1st day of August 1953, and

(*b*) in all other cases, with effect from the 1st day of August 1955.

Liability of inam village or inam land to payment of land revenue and inamdar and permanent holder to be occupant.

5. (*1*) All inam villages or inam lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such lands.

(*2*) (*a*) An inamdar in respect of the inam land in his actual possession or in possession of a person holding from him other than an inferior holder, referred to in clause (*b*) below, or

(*b*) an inferior holder holding inam land on payment of annual assessment only, shall primarily be liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force.

Compensation for abolition of cash allowance.

6. Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order but subject to the provisions of this Act, a sum equal to seven times the amount of a cash allowance referred to in section 2(*1*)(*e*) (*ii*), if any, due to an inamdar as personal inam shall be paid to him as compensation in consideration of the extinguishment of his right to receive such allowance.

All public roads, etc., situate in inam villages to vest in Government.

7. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes), which are situate within the limits of any inam village or inam land shall, except in so far as any rights of any person other than the inamdar may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by an inamdar in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of a way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

XVI of 1927. 8. The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State to forests in an inam village or inam land. Right to trees.

9. Nothing in this Act or any other law for the time being in force, shall be deemed to affect the rights of any inamdar subsisting on the appointed date to mines or mineral products in an inam village or inam land granted or recognized under any contract, grant or law for the time being in force or a decree of a Court. Right to mines and mineral products.

10. (*1*) Any inamdar having any right or interest in any property referred to in section 7 shall be entitled to compensation in the manner provided in the following paragraphs, namely :— Compensation to inamdars for extinguishment of rights under section 7.

(*a*) within a period of twelve months from the appointed date, the inamdar shall apply in writing to the Collector stating the nature of his right or interest, the grounds of his claim and the amount of compensation claimed by him for the extinguishment of his right or interest;

(*b*) the Collector shall hold a formal inquiry in the manner provided in the Code and if the Collector is satisfied that the applicant had any right or interest in the property and that such right or interest has been extinguished under section 7, he shall make an award in the manner prescribed in section 11 of the Land Acquisition Act, 1894, subject to the following conditions, namely :—

I of 1894.

(*i*) if the property in question is waste or uncultivated but is culturable land the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

(*ii*) if the property in question is land over which the public has been enjoying or acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(*iii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section the " market value " shall mean the value as estimated in accordance with the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable.

I of 1894.

(*2*) Every award made under sub-section (*1*) shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall, so far as may be, apply to the making of such award.

I of 1894.

11. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act. Appeal against Collector's award.

Bom. XII of 1939.

Procedure before Revenue Tribunal.

12. (*1*) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(*2*) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers while a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908. V of 1908.

Limitation.

13. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of 1908.

Court fees.

14. Notwithstanding anything contained in the Court-fees Act, 1870 every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court fee stamp of such value as may be prescribed. VII of 1870.

Finality of award and decision of Revenue Tribunal.

15. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

16. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Method of compensation for abolition, etc., of other rights in property.

17. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

(*2*) The application under sub-section (*1*) shall be made to the Collector in the prescribed form within twelve months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided in for sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*3*) An appeal shall lie from the said award to the Bombay Revenue Tribunal.

(*4*) The provisions of sections 10 to 16 (both inclusive) shall, so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

(*5*) Nothing in this section shall entitle any person to compensation on the ground that any inam village or inam land which has wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

Amount of compensation to be payable in transferable bonds.

[1][**17-A.** The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per-cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.]

Provisions of Bom. LXVII of 1948 to govern the relations of inamdar and tenants.

18. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any inam village or inam land or the mutual rights and obligations of an inamdar and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

[1] This section was inserted by Bom. 9 of 1954, s. 3.

19. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*. **Rules.**

20. (*1*) With effect from and on the appointed date,— **Modification and discontinuance of application of certain enactments.**

(*a*) the provisions of the enactments specified in Schedule I shall be repealed or amended to the extent specified in column 4 of the said Schedule; and

(*b*) the provisions of the enactments specified in Schedule II shall cease to apply to all inam villages or inam lands and to Inamdars.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect,—

(*a*) any obligation or liability already incurred before the appointed date;

(*b*) any proceeding in respect of such obligation or liability; or

(*c*) anything done in the course of such proceeding in any Court on or before the aforesaid date and any such proceeding may be continued and disposed of as if this Act had not been passed.

THE SCHEDULES.

(*See* section 20.)

Schedule I.

Year.	No.	Short title.	Extent of repeal or amendment.
1	2	3	4
1887	VII	.. The Toda Giras Allowances Act, 1887 ..	The whole Act shall be repealed
1949	LXI	.. The Bombay Maleki Tenure Abolition Act, 1949.	Sub-section (*2*) of section 3 shall be deleted.
1949	LXII	.. The Bombay Taluqdari Tenure Abolition Act, 1949.	Clause (*a*) of sub-section (*2*) of section 5 shall be deleted.
1949	LXIII	.. The Panch Mahals Mehwassi Tenure Abolition Act, 1949.	Sub-section (*2*) of section shall be deleted.

Schedule II.

Year	No.	Short title.	Extent of cessation of application.
1	2	3	4
1852	XI	.. The Bombay Rent Free Estates Act, 1852 ..	The whole Act shall cease to apply.
1863	II	.. The Exemptions from Land Revenue (No. 1) Act, 1863.	Do. do.
1863	VII	.. The Exemptions from Land Revenue (No. 2) Act, 1863.	Do. do.
1871	XXIII	.. The Pensions Act, 1871 ..	Do. o.